

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT PARUCH,  
Plaintiff,

- against -

THE GUARDIAN LIFE INSURANCE  
COMPANY OF AMERICA,

Defendant.

ORDER

09 Civ. 6061

PAUL G. GARDEPHE, U.S.D.J.:

It is hereby ORDERED that the parties in the above-captioned action conduct limited fact discovery as to the applicability of ERISA, and complete such discovery no later than December 31, 2009. It is further

ORDERED that the parties send a joint letter to the Court via fax, no later than December 31, 2009, explaining the parties' position as to whether ERISA applies in this action. It is further

ORDERED that – in the event motion practice is necessary to resolve the applicability of ERISA – motion papers shall be submitted pursuant to the following schedule:

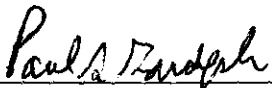
- (1) Moving papers are due on January 29, 2010;
- (2) Opposition papers are due on February 12, 2010; and
- (3) Reply papers are due on February 19, 2010.

The parties are directed to consult Paragraph 3C of this Court's Individual Practices – the "Bundling Rule" – before making their motion filings. It is further

ORDERED that Plaintiff may file an Amended Complaint in this action no later than October 7, 2009.

Dated: New York, New York  
September 23, 2009

SO ORDERED.

  
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Paul G. Gardephe  
United States District Judge